

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 06-cv-421-JM

Kingston, NH, 43 Mill Road,
Margaret Pandelena,
Kingston, NH 10 Towle Road, and
Theodore Gagalis

O R D E R

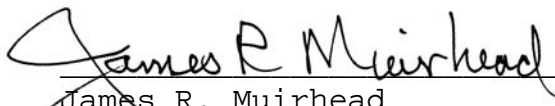
The government has served a motion to strike the claim of Margaret Pandelena. In effect, it is a motion for summary judgment. Counsel for Ms. Pandelena has not yet responded but has previously pled ownership by virtue of a deed to her as trustee of the MJMG Realty Trust. Document No. 45-1. The record is silent as to who the beneficial owner(s) of the trust are or were. Neither party has briefed the basic issues raised by this trust deed and they are directed to brief the following issues:

1. Who were the beneficial owners of the trust property?
2. Since the title to the real estate was held by Ms. Pandelena as trustee of the trust, did the divorce court have the power to award the real estate to Mr. Pandelena?
 - a. if the beneficial owners included persons other than Ms. Pandelena? or

- b. if she was the beneficial owner without a requirement that she deed the property to him?
3. At best, did Mr. Pandelena acquire any title or right or interest by the divorce decree?
4. Is any such right subject to payment by him?
5. Is service on Ms. Pandelena sufficient service on her as a trustee(see Document No. 11)?
6. Does the deed give Ms. Pandelena standing as an owner as trustee of the trust?

Forfeiture of Mr. Pandelena's interest in real estate he does not own under New Hampshire law would amount to nothing. Therefore, counsel are ordered to brief these issues by May 3, 2010, the date by which Ms. Pandelena's objection should be filed in any event.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: April 20, 2010

cc: Robert J. Rabuck, AUSA
Rodkey Craighead, Jr., Esq.
Alexander R. Cain, Esq.
Brian C. Dauphin, Esq.
Murat Erkan, Esq.
Robert A. Shaines, Esq.
Scott W. LaPointe, Esq.